

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

YAMILET ISABEL MARTINEZ,

Defendant.

§
§
§
§
§
§
§
§
§
§

CASE NO.: 23-MJ-00427-GJF

**ORDER CONTINUING GRAND JURY PRESENTMENT AND
TOLLING SPEEDY TRIAL TIME COMPUTATION**

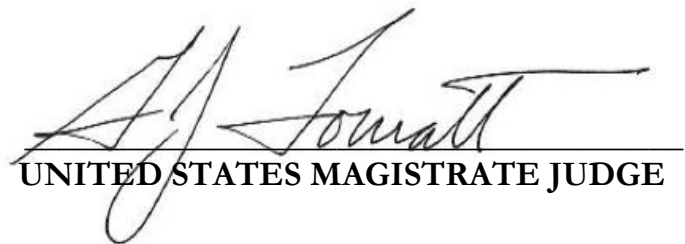
THIS MATTER having come before the Court on Defendant's Unopposed Motion to Continue Grand Jury Presentment, the Court finds the motion is well-taken and should be GRANTED.

The Court further finds, pursuant to 18 U.S.C. § 3161(h)(7)(A), that the ends of justice served by allowing this continuance outweigh the best interest of the public and the Defendant in a speedy indictment.

The Court having considered the motion and subsequent to any hearing to determine the appropriate length to continue the grand jury presentment of this matter, being fully advised in the premises and in light of the holding in United States v. Toombs, 574 F.3d 1262 (2009), finds that Defendant has by his motion created a sufficient record to justify granting the motion to continue. *See id.*, 574 F.3d at 1271 (requiring that the record on a motion to continue contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time).

IT IS THEREFORE ORDERED that the period of time within which to indict herein is extended until August 27, 2023.

IT IS FURTHER ORDERED that a period of time not to exceed the 38 days is hereby excluded from the computation of a speedy indictment pursuant to 18 U.S.C. § 3161(b) and 18 U.S.C. § 3161(h)(7)(A). The ends of justice served in granting this relief so that pretrial negotiations and a possible change of plea hearing may be completed prior to indictment outweigh the interest of the public and the defendant in a speedy trial.



UNITED STATES MAGISTRATE JUDGE

Submitted by:

Cori A. Harbour-Valdez
Attorney for Defendant